

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	
)	4:08-CR-33-RLV-WEJ
JAMES BARTHOLOMEW HUSKEY)	

PRELIMINARY MOTION TO SUPPRESS EVIDENCE

The Defendant, JAMES BARTHOLOMEW HUSKEY, by and through his undersigned counsel, hereby moves this Court to suppress all evidence that resulted from the searches of Mr. Huskey's home, automobiles, and computers. In support of this motion, Mr. Huskey offers the following:

1.

In the indictment, Mr. Huskey is charged with producing child pornography in violation of 18 U.S.C. § 2251(a); distributing child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A); and receiving child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A).

2.

On June 16, 2008, federal and local law enforcement agents arrested Mr. Huskey at his home without a warrant. On that evening, the agents apparently searched the home, searched two automobiles parked outside the home, and seized computers and computer equipment. These searches were done without warrants.

Instead, the agents apparently conducted the searches based upon the purported consent of Mr. Huskey and his wife. However, this consent was not voluntary.

3.

The agents later acquired search warrants for the home, the vehicles, and the computers and conducted additional searches of these places. Counsel has not yet received from the government a copy of the search warrants and the returns. Therefore, counsel requests an opportunity to perfect this motion following the receipt of those documents. During these various searches, the agents seized various items and took many photographs.

Conclusion

For these reasons, Mr. Huskey asks this Court to grant this motion to suppress and exclude all evidence seized as a result of these searches, including those with and without a warrant. *See Wong Sun v. United States*, 371 U.S. 471 (1963). In the alternative, counsel requests an opportunity to perfect this motion at a later date.

Dated: This the 8th day of August, 2008.

Respectfully submitted,

s/ W. Matthew Dodge
W. MATTHEW DODGE
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was formatted in Times New Roman 14 pt., in accordance with Local Rule 5.1C, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following Assistant United States Attorney of record:

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Dated: This the 8th day of August, 2008.

s/ W. Matthew Dodge
W. MATTHEW DODGE